

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RIANA BUFFIN, *et al.*,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO, *et al.*,

Defendants.

Case No. 15-cv-04959-YGR

**ORDER REQUIRING SUPPLEMENTAL
SUBMISSIONS; CONTINUING HEARING**

Re: Dkt. Nos. 76, 77, 81

The Court has learned that defendant City and County of San Francisco (the “City”) may be implementing a pilot program that uses a computer-based algorithm to recommend whether pretrial release is appropriate for arrestees. The Court understands that the algorithm takes various circumstances into account, including level of education and prior offenses, rather than wealth status. (*Compare* Dkt. No. 71 ¶ 5 [“Plaintiffs seek declaratory and injunctive relief prohibiting Defendants’ wealth-based detention scheme and requiring that pretrial release or detention decisions be based on factors other than wealth status.”])

By no later than **August 16, 2016**, at **9:00 a.m.**, the City shall file a supplemental brief indicating whether such a program exists, and if so, the City shall also provide a summary of the nature of the program, including any documents related thereto.

In light of the foregoing, the hearing on the pending motions (Dkt. Nos. 76, 77, 81) currently set on August 16, 2016, is **CONTINUED** as set forth below:

If the City indicates that no such program has been implemented, then the hearing shall take place on **August 23, 2016** on the Court’s **2:00 p.m.** calendar.

1 By contrast, if the City confirms that such a program has been implemented, then the
2 hearing shall take place on **September 13, 2016 at 9:00 a.m.**, and the parties shall file
3 supplemental briefs addressing whether:

4 (1) amendment of the operative complaint is necessary;


5 (2) any arguments made in the parties' briefing on the motions to dismiss are impacted and
6 must be modified; and

7 (3) this action is moot, in part or in whole, as a result of the City's implementation of the
8 program.

9 The City, defendant Sheriff Hennessy, and defendant Attorney General Harris, collectively, and
10 plaintiffs shall file supplemental briefs, if necessary, not to exceed ten (10) pages each, no later than
11 **August 24, 2016**. Responses thereto, not to exceed seven (7) pages each, shall be filed no later
12 than **August 31, 2016**.

13 **IT IS SO ORDERED.**

14 Date: August 11, 2016

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17 YVONNE GONZALEZ ROGERS
18 UNITED STATES DISTRICT COURT JUDGE
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